

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**IN RE:**

**Andre L. Stevens  
and Brenda D. Stevens  
Debtors**

**Case No.: 06-30431  
Chapter 13  
Trustee: Carl M. Bates**

**MOTION PURSUANT TO RULE 6004 FOR  
AUTHORITY TO REFINANCE REAL PROPERTY**

The debtor, pursuant to Rule 6004 of the Federal Rules of Bankruptcy Procedure, moves this honorable court for authority to refinance certain real property and, in support thereof, states as follows:

1. On or about March 1, 2006, the debtor filed for relief pursuant to Chapter 13 of the bankruptcy code.
2. Carl M. Bates (the "Trustee") is the appointed trustee in this case.
3. Among the assets of the bankruptcy estate is the debtors' interest in their principal residence located in the County of Hanover, Virginia, with a street address of 19495 Lourtney Road, Hanover, Virginia 23069 (the "Property").
4. The debtor has entered into a contract to refinance the property for the contract amount of \$140,500.00. The debtors propose to pay at closing, (I) the debtors' closing costs and (II) Regions or its successor and/or assign as a party secured by the Property and such other valid lien holders as revealed in the title report and any other liens or encumbrances necessary to convey clear title to the buyer. The payoff to Regions is approximately \$111,242.00.

5. Net proceeds from the refinance will be paid to the Chapter 13 Trustee to the extent necessary to pay allowed claims in full. Net proceeds will be sufficient to pay all allowed claims and discharge this case. The Chapter 13 Plan has been confirmed by the court.

6. The refinance of the property is in the best interest of the debtors' bankruptcy estate and the bankruptcy estate's creditors.

7. Pursuant to Local Rule 9013-1(G), the debtor has combined the motion and memorandum into this Motion.

WHEREFORE, the debtor request the court to enter an Order: (1) approving the debtors' refinance of the property; (2) authorizing the debtors' settlement agent to satisfy the valid liens against the property at closing and to pay closing costs and a sales commission to the real estate broker, as provided by the contract; (3) requiring payment to the chapter 13 trustee of funds sufficient to pay all allowed claims in full; and (4) payment of attorney's fees to Andrew Adams, III in the amount of \$700.00 from the settlement agent or if said closing does not occur as scheduled, in the alternative from the chapter 13 trustee; and (5) granting such other and further relief as is just and appropriate under the circumstances.

Respectfully Submitted,  
Andre L. Stevens and Brenda D. Stevens  
By /s/ Andrew G. Adams, III  
Counsel

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**NOTICE OF MOTION**

Andre L. Stevens and Brenda D. Stevens., debtor, has filed papers with the Court to Refinance Real Property.

Your rights may be affected. **You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).**

If you do not want the court to grant the objection to claim, or you want the Court to consider your views on the motion, then on or before September 19, 2007, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Fed. Rules of Bankruptcy Procedure Section 2002(a)(2) and Local Bankruptcy Rule 9013. If you mail your response to the court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
1100 E. Main Street; Room 301  
Richmond, VA 23219-3515

You must also mail a copy to:

Attorney for Debtors  
Andrew G. Adams, III  
P.O. Box 1912  
Richmond, Virginia 23218

If you or your attorney do not take these steps, the Court may decide that you do not oppose the motion to refinance.

/s/ Andrew G. Adams, III  
Attorney for Debtors  
Andrew G. Adams, III  
P.O. Box 1912  
Richmond, Virginia 23218  
Telephone (804) 649-1000  
Telecopier (800) 779-8679  
VSB # 46600

Date: August 30, 2007

**Certificate of Service**

I hereby certify that I have this 28<sup>th</sup> day of February, 2007, mailed or sent through electronic mailing procedures a true copy of this Notice of Motion to Carl M. Bates Chapter 13 Trustee Post Office Box 1819, Richmond, VA 23218-1819 and the Office of the U.S. Trustee, 600 E. Main Street, Ste 301, Richmond, VA 23219 and to all necessary parties.

/s/ Andrew G. Adams, III.  
Andrew G. Adams, III.